

DEFAULT JUDGMENTA 12 MC 0694 UH

On this day, came to be heard the above-numbered and styled cause with Pennsylvania Higher Education Assistance Agency ("PHEAA" or "Plaintiff") as Plaintiff and Joe W. Morrow ("Morrow" or "Defendant") as Defendant. Plaintiff appeared by its attorney of record and announced ready for trial. The Defendant, although having been duly and legally cited to appear and answer, failed to appear and wholly made default.

Citation was properly served upon Defendants according to Texas law and returned to the Clerk and remained on file for the time required by Texas Law. The Court has read the pleadings and the papers on file and is of the opinion that the allegations in the Plaintiff's Original Petition (the "Petition") have been admitted and that the cause of action is liquidated and finds that the Defendant is indebted to Plaintiff in the amount of damages awarded herein, including applicable pre- and post-judgment interest on the damages awarded, reasonable attorneys' fees, expenses, and costs of court as set forth in the Affidavit of Randall K. Lindley, and post-judgment interest on attorneys' fees, expenses and costs at the statutory rate.

The Court finds that Defendant is indebted to Plaintiff in the principal sum of \$76,888.00, plus pre-judgment interest through May 15, 2009 in the sum of \$610.89, plus post-judgment interest at the rate of 5.0% *per annum* from the date of this judgment until paid in full, plus costs of court.

The Court further finds that Plaintiff is entitled to judgment against Defendant for reasonable attorneys' fees and expenses incurred by Plaintiff in the amount of \$1,528.04 as supported by affidavit submitted with this Judgment and filed among the papers in this cause, plus post-judgment interest at the rate of 5.0% *per annum* from the date of this judgment until paid in full.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Plaintiff Pennsylvania Higher Education Assistance Agency have and recover from Defendant Joe W. Morrow damages and pre-judgment interest in the amount of \$77,498.89, plus post-judgment interest on this amount at the rate of 5.0% *per annum* from the date this judgment is signed until it is paid in full;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Pennsylvania Higher Education Assistance Agency have and recover from Defendant Joe W. Morrow the principal amount of \$1,528.04 for Plaintiff's reasonable attorneys' fees and expenses incurred herein, plus post-judgment interest on this amount at the rate 5.0% *per annum* from the date of this judgment until paid in full, for which let execution issue;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Pennsylvania Higher Education Assistance Agency have and recover from Defendant Joe W. Morrow for Plaintiff's additional reasonable attorneys' fees in the following amounts: \$3,000.00 in the event that a Motion for New Trial is filed, \$5,000.00 in the event that the judgment rendered in this lawsuit is appealed to the Court of Appeals, \$5,000.00 in the event that a Petition for Review to the Supreme Court of Texas is filed, and \$10,000.00 in the event that said Petition for Review to the Supreme Court of Texas is granted, or briefs on the merits are requested, and the judgment is upheld; plus post-judgment interest on all the foregoing amounts at the rate of 5% per annum from the date of the award until paid in full, for all of which let execution issue;

Case 1:12-mc-00604-UA Document 1 Filed 07/30/12 Page 3 of 4

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs of court are taxed against Defendant Joe W. Morrow, for which let execution issue;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall have such writs and processes as may be necessary in the enforcement and collection of this judgment;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all relief not expressly granted herein is denied and, that this judgment disposes of all claims and all parties and that this judgment is final and appealable.

SIGNED this 3th day of 1,2009

JUDGE PRESIDING

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STATE OF TEXAS COUNTY OF DALLAS

I, GARY FITZSIMMONS, Clerk of the District of Dallas County, Taxas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears of record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this _______ day of _______, A.D., _______

GARY FITZSIMMONS, DISTRICT CLERK DALLAS COUNTY, TEXAS

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